REMARKS

Claims 22-30 and 38-39 are pending. Applicants elect Group II (claims 22-29 and 38) with traverse for examination on the merits. They reserve the right to prosecute non-elected subject matter in a further patent application.

Reconsideration of the restriction requirement is requested.

Traversal is based on the lack of a showing that examining claims of both Groups I and II would constitute an undue burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application.

It is stated in the Office Action that Groups I and II are related to product and process of making. In fact, the claims of Groups I and II are indissolubly related as the claims of Group II require use of the products of Group I. Claim 22 of Group II concerns a method of treating a flavivirus or rhabdovirus infection comprising the administration of (a) an interferon and (b) at least one compound selected from the group consisting of compound (I) to (V) or their derivatives. Claim 30 of Group I concerns a product containing a product containing an interferon and at least one compound (b) for use in treating a flavivirus or rhabdovirus infection. Thus, claim 22 of Group II and claim 30 of Group I are both characterized by a single general inventive concept.

The Examiner argues that Groups I and II form distinct inventions because "the process for using the product can be practiced with another materially different product (MPEP §806.05(h))." The process in question (claim 22) is a method of treatment and relates to one defined way in which the specified infections may be treated. Of course, products which can be used in a process to treat a flavivirus or rhabdovirus infection other than those of the present invention may exist. The Examiner presents the mixture of antiviral interferon proteins of U.S. Patent 5,676,942 as an example of one such "materially different product." However, these other "materially different" products are not claimed in the present application and their possible existence does not affect the patentability of either the presently claimed method of treatment or the presently claimed product.

The Examiner acknowledges that Groups I and II are classified in the same class and subclass, but states that searching each group individually would constitute a burdensome search. However, in this regard the Examiner's attention is directed to the following:

> The product of claim 30 defines an interferon and at least one compound (b) for the treatment of a flavivirus or rhabdovirus infection. The claimed product is used in the process of claim 22. It follows that if a search is performed on the presently claimed product to establish its novelty and non-obviousness, use of the claimed product for the treatment of a flavivirus or rhabdovirus infection must, of necessity, also be patentable. A single search should be required to establish the patentability of the subject matter of the Examiner's Groups I and II.

U.S. Patent 5,676,942 referred to by the Examiner neither deprives the claims of inventive step nor render them obvious, and does not affect the foregoing submission as to the fundamental unity of Groups I and II. It is submitted that claims 22-30 and 39-39 which are pending in this application are so linked as to form a single general inventive concept under PCT Rule 13.1. Therefore, Applicants request that the all claims of Groups I and II be examined here.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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